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August 31, 2020

VIA ECF

The Honorable Malachy E. Mannion
United States District Court
William J. Nealon Federal Building and
United States Courthouse
235 North Washington Avenue, Room 415
Scranton, PA 18503

> **Re:** **United States of America v. David D. Klepadlo, et al.**
> **Docket number: 3:16-CR-254**

Dear Judge Mannion,

I have reviewed the Court's *sua sponte* Order [Dkt. 75] continuing the sentencing in the above matter. I write to express my concern that the rationale for issuing the Order is flawed, as it is based upon factually inaccurate information. I am also concerned that the misinformation relied upon by the Court may have had as its genesis information conveyed by counsel for the government.

Whether or not my concern regarding the source of the inaccurate information is founded, given the strong language in the Order directed at defense counsel, particularly the accusation that counsel is arguably "sand bagging" the government, (an accusation that has never once been leveled against the undersigned in almost 33 years of practice) I would respectfully request the opportunity to correct the record and seek withdrawal of the Court's Order. I personally would also like to be heard on the new date chosen since, given my own health issues, there is at least a possibility that I may not be able to attend, even remotely.

Accordingly, I would respectfully request that the Court convene a telephonic conference at the earliest possible date and time consistent with the Court's business or that appropriate proceeding be scheduled so that we may correct the record and otherwise be heard on this issue.

I appreciate your Honor's and Ms. Sempa's continuing courtesy

Respectfully submitted,

Mark B. Sheppard

MBS:jss

cc: Michelle Olshefski, AUSA
        Martin Harrell, Associate Regional Counsel, EPA
        Patricia Miller, Assistant Regional Counsel, EPA
        Timothy Bergere, Esquire
        David D Klepadlo

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